

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

David A. Fleming,

PLAINTIFF

v.

11th Circuit Public Defenders Office;  
Clerk of Court,

DEFENDANTS

Case No. 3:18-cv-02685-TLW

**Order**

Plaintiff David A. Fleming, a state court pretrial detainee proceeding *pro se*, filed this civil action raising complaints about the proceedings in his state criminal case. ECF No. 1. The matter now comes before the Court for review of the Report and Recommendation (Report) filed by the magistrate judge to whom this case was assigned. ECF No. 11.

In the Report, the magistrate judge recommends that Plaintiff's case be summarily dismissed because the Court should not interfere in an ongoing state criminal proceeding. Plaintiff did not file objections to the Report. This matter is now ripe for decision.

The Court is charged with conducting a *de novo* review of any portion of the Report to which a specific objection is registered, and may accept, reject, or modify, in whole or in part, the recommendations contained in that Report. 28 U.S.C. § 636. In the absence of objections to the Report, the Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198,

200 (4th Cir. 1983). In such a case, “a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The Court has carefully reviewed the Report. For the reasons stated by the magistrate judge, the Report, ECF No. 11, is **ACCEPTED**. This action is hereby **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED.**

s/ *Terry L. Wooten*  
Terry L. Wooten  
Senior United States District Judge

April 22, 2020  
Columbia, South Carolina